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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/515, 527

02/29/00

ISHIKAWA

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000214

LM02/1002

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Washington DC 20006

EXAMINER

TONG, N

ART UNIT	PAPER NUMBER
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2736

DATE MAILED:

10/02/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/515,527	Applicant(s) Ishikawa et al.
	Examiner Nina Tong	Group Art Unit 2736

Responsive to communication(s) filed on Feb 29, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1-4 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) 1, 2, and 4 is/are allowed.

Claim(s) 3 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-2,4, drawn to the vehicle rear-view monitor with a camera and a detection means comprises a first processing means with sampling image data and a second processing means with non-sampling image data and selection means, classified in class 340, subclass 901.
  - II. Claim 3, drawn to the vehicle rear-view monitor with a camera and a winker sensor coupled to the detection means with a first image means for left hand side of image and a second image means for right hand side of image and a selection means upon the sensed winker signal, classified in class 340, subclass 436.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are: group I shows a vehicle rear-view monitor with a camera

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and a detection means for detecting object in the rear; while group II shows a vehicle rear-view monitor with a camera and a winker sensor coupled to the detection means with a selection of the left and right images data.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Mr. Armstrong on 09/28/00 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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***Claim Rejections - 35 U.S.C. § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (5,699,057) in view of Lee (5,680,123).

Regarding claim 3, Ikeda et al. Shows a vehicle monitoring system, which CCD cameras for monitoring the obstacles on the left and right side of the vehicle for providing a left and/or right warning signals.

Ikeda et al. fails to provide the claimed winker signal sensing means.

However, Lee teaches the concept of providing a turn signal switch for turning on one of the cameras 62,64,66 upon the turn signal to view the desired images for avoiding car accident. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the winker signal sensing means for selecting the left and right images data as taught by Lee in Ikeda et al. for improving the system. This way, when the driver turns left or right, then the system only monitor the obstacles at one of the left or right side of the vehicle for reducing any unnecessary warning signals.

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***Allowable Subject Matter***

8. Claims 1,2,4 are allowed.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosinski et al., Robison, Nakajima et al., Kinoshita et al., Secor, Choi disclosed a camera obstacle monitoring system in a vehicle.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Tong whose telephone number is (703) 305-4831. The examiner can normally be reached on Mon. to Thurs. from 8:30a.m. to 6:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-8576.

11. **Any response to this action should be mailed to :**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703)308-9051, (for formal communication intended for entry)

**Or:**

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(703)308-6743 (for informal or draft communications, please label  
"UNOFFICIAL" OR "INFORMAL" OR "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Nina Tong  
September 28, 2000



Nina Tong  
Primary Examiner